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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/352,734	07/13/1999	JAMES OWEN	SLA0193	2607

7590

06/04/2002

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EXAMINER

DANG, DUY M

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 06/04/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/352,734

Applicant(s)

OWEN et al.

Examiner

Daug, D

Group Art Unit

2621

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-15 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-15 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_.

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

**DETAILED ACTION**

1. Claim 10 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 11 and vice versa. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-3 and 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2-3 and 9-11 recite the limitation "said scanning job" in line 1. There is insufficient antecedent basis for this limitation in the claims.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

Art Unit: 2621

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmid et al. (US Patent No. 5,659,164. Art of record IDS (paper #2) filed 10/18/1999).

Regarding claim 1, Schmid teaches a method for controlling scanning device using control sheets (i.e., the "MRI such as the bar-coded information" shown in figure and mentioned in col. 4 lines 22-28 functions as the so called "controlling scanning device using control sheets"), comprising the steps of:

starting an imaging job (i.e., the "start scanner" shown at 14 of figure 3A);

locating (i.e., the "place documents with cover sheets on scanner feeder" shown at 6 of figure 3A) a control image within said imaging job (i.e., the "MRI" and "MRI (machine readable information)" shown in figure 1 and mentioned in col. 4 line 22-28 function as the so called "a control image");

processing (i.e., the "analyze, recognize" shown at 20 of figure 3B) control instructions (i.e., the "machine code" shown at 20 of figure 3B) from said control image; and

creating output in accordance with said control instructions (i.e., the "recoding cover sheet info routing ID, config. parameter, etc." shown at 24 of figure 3B).

Art Unit: 2621

Regarding claim 8, Schmid teaches a method for controlling scanning device using control sheets (i.e., the "MRI such as the bar-coded information" shown in figure and mentioned in col. 4 lines 22-28 functions as the so called "controlling scanning device using control sheets"), comprising the step of:

starting an imaging job i.e., the "start scanner" shown at 14 of figure 3A); locating (i.e., the "place documents with cover sheets on scanner feeder" shown at 6 of figure 3A)a control image within said imaging job(i.e., the "MRI" and "MRI (machine readable information)" shown in figure 1 and mentioned in col. 4 line 22-28 function as the so called "a control image". Also note the "printed information" (note MRI, and HRI in figure 1) mentioned in col. 2 lines 23-28); creating output for said imaging job (i.e., the "storing document" shown at 26 of figure 3B); processing (i.e., the "analyze, recognize" shown at 20 of figure 3B) control instructions (i.e., the "machine code" shown at 20 of figure 3B) from said control image and using said control instruction for managing said output (i.e., the "set scanner parameters command: resolution, dither, mode, etc." shown at 23 of figure 3B).

Regarding claims 2, and 9, Schmid further teaches an image acquisition task (i.e., the "scanner" shown in figure 2C and

Art Unit: 2621

mentioned in col. 3 lines 39-41 functions as the so called "an image acquisition task").

Regarding claims 3, and 10-11, Schmid further an image production task (i.e., the scanning document and storing document as a digitized document mentioned in col. 5 lines 35-38 functions as the so called "an image production task").

Regarding claims 4, and 12, Schmid further teaches a machine-readable format (i.e., the stack of pages shown in figure 1 contained printed information according to col. 2 lines 23-27 satisfies the so called "a machine-readable format").

Regarding claims 5, and 13, Schmid further teaches wherein said control image is text (i.e., the "human readable information (HRI)" shown in figure 1, and "printed information" (i.e., handwritten) mentioned in col. 2 lines 23-28).

Regarding claims 6, and 14, Schmid further teaches wherein said control image is numbers (i.e., the "human readable information (HRI)" shown in figure 1, "MRI" shown in figure 4 (note the numbers printed below barcode), and "printed information" (i.e., handwritten) mentioned in col. 2 lines 23-28 satisfy the so called "numbers").

Regarding claims 7, and 15 Schmid further teaches wherein said method includes the steps of locating a second control image (see figure 1: note the two occurrences of the "MRI".

Art Unit: 2621

Either one of the "MRI" functions as the so called "a second control image" according to col. 6 lines 21-23 (note that two machine-readable code markings are user's identification and user's routing information) and applicant's definition of "a second control image" (i.e., an identifier for the user) in page 8 line 1) and processing that control image (i.e., the "analyze, recognize machine code" shown at 20 of figure 3B).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M Dang whose telephone number is 7033051464. The examiner can normally be reached on Monday-Thursday from 6:30AM-5:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on 7033054706. The fax phone numbers for the organization where this application or proceeding is assigned are 7038729314 all communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 7033060377.



dmd

5/30/02



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